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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,439	11/13/2003	J. Conrad Vogel	5658-979	8715

24239 7590 10/27/2005  
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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,439	<b>Applicant(s)</b> VOGEL, J. CONRAD	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 07/27/05.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorensen et al. (5,197,194).

Sorensen et al. discloses the method of modifying a cutting tool comprising the step of: providing a pivotal member with first and second cooperating members 12 and 14; separating the cooperating members (see Fig. 1-2A); rotating the first blade 180 degrees (col.7, lines 45-46); and reconnecting the cooperating members (see Fig. 1).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3724

5. Claims 1-6, 8-9, 13-21 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. (5,197,194) in view of H. McCaw (1,433,391).

- Regarding claims 1, 4, 10-12, 14,15,17-19, 21, 22-25 and 33-38, Sorensen et al. discloses the invention substantially as claimed including first and second cooperating members 12 and 14, a jaw section 20 and 22, a handle 16 and 18, first and second blades comprising cutting edges 58 and 62; and third and forth edges (see Fig.2). Regarding claim 31, Sorensen et al. teaches a manually actuated tool (see Fig. 1). Regarding claims 1, 17, 30, 32 and 33, Sorensen et al. doesn't show the first cutting edge counterposed to the second cutting edge across a longitudinal axis of the blade. However, McCaw teaches the use of a first cutting edge 13 counterposed to a second cutting edge 14 across a longitudinal axis of a blade 12 for the purpose of making the scissors more economical. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's blade by providing the first cutting edge counterposed to the second cutting edge across a longitudinal axis of the blade as taught by McCaw in order to obtain a device that makes the scissors more economical. Regarding claims 10 and 22, Sorensen et al. does not show a tab. However, McCaw teaches the use of a tab 16 for the purpose of preventing the tang from slipping out in a direction transverse to the longitudinal direction of the groove. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Sorensen's tang by providing the tab as taught by McCaw in order to prevents the tang from slipping out in a direction transverse to the longitudinal direction of the groove.
- Regarding claim 2, Sorensen et al. teaches pockets 32.

Art Unit: 3724

- Regarding claim 3, Sorensen et al. teaches flanges 36.
- Regarding claim 5, Sorensen et al. teaches a tang 56.
- Regarding claims 8-9, Sorensen et al. teaches tang apertures 46 and 74.
- Regarding claim 11, Sorensen et al. discloses the invention substantially as claimed including hand-operated tool.
- Regarding claims 12 and 25, Sorensen et al. teaches at least two finger loops (see Fig. 3A, the loops formed between the lines 60 and 68; and the lines 64 and 66).
- Regarding claim 13, Sorensen et al. teaches the jaw sections are set at angle to the handle sections (see Fig. 5).
- Regarding claims 16 and 20, Sorensen et al. teaches a bolt 25, a hexagonal nut 26 and an aperture (see Fig.2).
- Regarding claims 23-24, Sorensen et al. teaches tang apertures 46 and 74.
- Regarding claims 30 and 32, Sorensen et al. teaches removable blades comprising two edges 160' and 162' counterposed.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorensen et al. (5,197,194) in view of H. McCaw (1,433,391) as applied to claims 1, 2, 4-5 and 6 above, and further in view of Huang (6,598,300 B2).

The modified device of Sorensen et al. discloses the invention substantially as claimed except for an outward-facing hexagonal recess. However, Huang teaches the use of an outward-facing hexagonal recess for the purpose of preventing the pivot and the nut from becoming loosened. It would have been obvious to one having ordinary skill in the art at the time the

Art Unit: 3724

invention was made to have modified Sorensen's tang by providing the outward-facing hexagonal recess as taught by Huang in order to prevent the pivot and the nut from becoming loosened.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Sorensen does not show rotating the first blade 180 degrees around its longitudinal axis. However, Sorensen teaches rotating the first blade 180 degrees (col.7, lines 45-46). Also, the claims do not define which plane of the blade represents the longitudinal axis.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

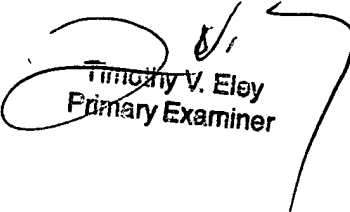
Art Unit: 3724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ofs  
10/26/05

  
Timothy V. Eley  
Primary Examiner